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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,620	09/19/2005	Wilhelm Bringewatt	14584.008US	5245
22870	7590	05/01/2007		
LAURENCE P. COLTON 1201 WEST PEACHTREE STREET, NW 14TH FLOOR ATLANTA, GA 30309-3488			EXAMINER GRAVINI, STEPHEN MICHAEL	
			ART UNIT 3749	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Ed

Office Action Summary	Application No. 10/527,620	Applicant(s) BRINGEWATT ET AL.	
	Examiner Stephen Gravini	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Grunewald (DE 101 19 835). The claims are reasonably and broadly construed as being disclosed by Grunewald as comprising:

a device for the drainage of laundry, with a drum for receiving a laundry batch, the said drum being capable of being driven in rotation about a longitudinal mid-axis by means of a drive, characterized in that the drum can be pivoted about a pivot axis running perpendicularly through the longitudinal mid-axis and the, pivoting drive is mounted directly at the end of the pivot axis on at least one axle stub as shown on the face of that reference. Grunewald also the pivot axis runs horizontally, and the longitudinal mid-axis of the drum likewise runs horizontally in a drainage and/or loading position of the latter also shown in the face of that reference.

Claim 13 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hastings (US 4,236,322). The claims are reasonably and broadly construed as being disclosed by Hastings as comprising:

a device for the drainage of laundry, with a drum for receiving a laundry batch, the said drum being capable of being driven in rotation by means of a drive, the drum having a cylindrical surface area which is provided with a grid of liquid-permeable orifices, characterized in that at least part of the cylindrical surface area has a grid of

orifices such that the area of all the orifices amounts between 20% and 30% of the cylindrical surface area of the drum shown in the face of that reference.

Claim Rejections - 35 USC § 103

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grantham (US 3,861,865) in view of Ross (US 3,747,841). Grantham discloses each of the claimed features on the face of that reference, except for the claimed centrifugal acceleration higher than 600 times gravitation acceleration. Ross, another laundry drainage method and device, is considered to disclose centrifugal acceleration higher than 600 times gravitation acceleration at column 5 lines 46-51. That citation of Ross discloses a centrifugal speed of 3450 rpm. Applicants' specification recites 1000 rpm and concludes this speed will result in centrifugal acceleration higher than 600 times gravitation acceleration. Since the prior art discloses nearly three and a half times the speed discussed by applicant, the teachings of prior art reference Ross is broadly and reasonably construed from the specification to obviate the teachings Grantham since a resulting gravitational acceleration would result of more than 12 times or 7200 times the gravitational acceleration based on acceleration being proportional to speed squared. It would have been obvious to one skilled in the art to combine the teachings of Grantham with the centrifugal acceleration higher than 600 times gravitation acceleration, considered disclosed in Ross, for the purpose of providing a greater drying rate based on increased rotational speed of a dryer drum.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings. Hastings discloses the invention as rejected above, except for the claimed

bore diameter or spacing. It would have been an obvious matter of design choice to recite a specific bore diameter or spacing, since the teachings of Hastings would perform the invention as claimed regardless of the bore diameter or spacing.

Claims 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings in view of Erickson (US 2,720,037). Hastings discloses the invention as rejected above, except for the claimed plinth. Erickson, another laundry drainage method and device, is considered to disclose plinth on the face of that reference. Examiner reasonably and broadly construes the claimed plinth to be a drain sump, since applicants' specification discusses a plinth to be patentably the same as a drain sump found in the prior art. It would have been obvious to one skilled in the art to combine the teachings of Hastings with the plinth, considered disclosed in Erickson, for the purpose of providing a greater drying rate based on removing water from the base of the drying method or device. Furthermore, Hastings in view of Erickson is considered to obviate the claimed invention except for the claimed specific bore diameter or spacing. It would have been an obvious matter of design choice to recite a specific bore diameter or spacing, since the teachings of Hastings in view of Erickson would perform the invention as claimed regardless of the bore diameter or spacing.

Response to Arguments

Applicant's arguments filed March 19, 2007 have been fully considered but they are not persuasive.

anticipation

Current Office practice guides examination such that claims are reasonably and broadly construed, in light of the accompanying specification. In this application, applicants assert that claims should be more narrowly construed than permitted by current Office practice. Specifically applicants argue that first primary reference Grunewald does not disclosed a device which the pivotal axis is directly assigned to the pivoting drive and runs perpendicular through the longitudinal mix axis. The claim recitation is not limited to "directly assigned" as argued, so the plain meaning of the claim "being capable of" is seen for the Grunewald reference since that teaching is capable of meeting the structural and functional limitations claimed. It is believed that the first anticipatory rejection is proper and maintained.

Likewise, the claims are broadly and reasonably construed such that second primary reference Hastings discloses each of the orifice amounts claimed. The argued almost half mesh structure refers to the drum make up but not the orifices amount, which are construed to be between 20% and 30% of the cylindrical surface area. It is believed that the second anticipatory rejection is proper and maintained.

obviousness

In response to applicant's argument that gravitation acceleration, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Specifically Grantham in view of Ross, Hastings in view of Erickson, and Hastings alone teaches the claimed invention as rejected above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMG
April 27, 2007

